

Message Text

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ACTION IO-14

INFO OCT-01 AF-10 ARA-10 EA-10 EUR-12 NEA-10 ISO-00

DHA-05 CIAE-00 DODE-00 PM-05 H-01 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 5896

INFO AMEMBASSY THE HAGUE

AMEMBASSY STOCKHOLM

USMISSION GENEVA

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E.O. 11652: N/A

TAGS: PORG, SHUM, UNGA

SUBJ: PRESENT STATUS OF ITEM 80 INITIATIVE (TORTURE)

REF: USUN 3237

1. SUMMARY. IN SPITE OF CONSIDERABLE RELUCTANCE FROM OTHER WEOS SWEDES WILL PROBABLY STILL PRESENT THEIR INITIATIVE CALLING FOR THE DRAFTING OF A CONVENTION AGAINST TORTURE BY THE HUMAN RIGHTS COMMISSION. DUTCH ARE AWAITING DRAFT BY THE INDIANS BEFORE DECIDING WHETHER TO PRESENT THEIR PROPOSAL FOR A QUESTIONNAIRE ON THE IMPLEMENTATION OF THE DECLARATION AGAINST TORTURE TO BE PREPARED BY THE SECRETARY GENERAL. INDIAN PROPOSAL WILL REPORTEDLY BE CIRCULATED EARLY IN OCTOBER. END SUMMARY.

2. MISOFF WAS INVITED ON SEPTEMBER 30TH (ALONG WITH PORTUGUESE MISOFF) TO A REPRIS OF THE "SHOOT-OUT" BETWEEN THE DUTCH AND SWEDES ON THE QUESTION OF THE SWEDISH INITIATIVE CALLING FOR A CONVENTION AGAINST TORTURE. BURGER
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(DUTCH) REPEATED THE ARGUMENTS THAT HAD BEEN MADE IN THE HAGUE IN A BIL-LATERAL SEPTEMBER 23RD. BECAUSE OF THE ILLNESS OF NORDENFELT, JAN STAHL RETURNED FOR JUST THE WEEK ENDING THE 30TH TO HANDLE SWEDISH COMMITTEE III AFFAIRS. AT THE END OF THE MEETING THE SWEDES AND PORTUGUESE REMAINED ADAMANT AND WILL PRESENT CONVENTION PROPOSAL, CALLING ON HUMAN RIGHTS COMMISSION TO DRAFT IT. STAHL DID ACCEPT

MISOFF'S STRONG SUGGESTION THAT SWEDES SHOULD ALLOW INDIANS PRIORITY PLACE UNDER ITEM 80, AND SHOULD OPENLY SAY THAT THE TWO PROPOSALS ARE COMPLEMENTARY AND NOT COMPETITIVE. DUTCH REMAINED FIRMLY OPPOSED TO THE SWEDISH INITIATIVE AT THE END, AND IF THE INDIANS DO NOT PRESENT THEIR PROPOSAL OR DO NOT ACCEPT PART OF DUTCH IDEA TO BE INCORPORATED IN THEIR PROPOSAL, WILL PROBABLY PRESENT THEIRS. MISOFF UNSUCCESSFULLY ATTEMPTED TO PERSUADE SWEDES TO REFER DRAFTING OF PROPOSED CONVENTION TO EITHER THE COMMITTEE OR THE CONGRESS ON CRIME PREVENTION AND CONTROL.

3. AT EARLIER MEETING WITH COMMITTEE III REPS FROM AUSTRALIA, CANADA, HOLLAND, AND A REPRESENTATIVE OF THE INTERNATIONAL COMMISSION OF URISTS, IT WAS SUGGESTED THAT NEXT WEEK -- AFTER STAHL HAS RETURNED TO ROME AND NORDENFELT AND KITTIS HAVE ASSUMED COMMITTEE III RESPONSIBILITIES FOR SWEDEN -- IT MIGHT BE POSSIBLE TO MAKE A JOINT APPROACH TO SWEDEN TO PERSUADE THEM TO WITHDRAW OR POSTPONE THEIR INITIATIVE UNTIL NEXT YEAR. SWEDES REPORT THAT YUGO-SLAVIA, EGYPT AND INDIA ARE ALL FAVORABLY CONSIDERING CO-SPONSORING THEIR PROPOSAL, AND THAT IT WOULD BE DESTRUCTIVE TO THE PROCESS TO WITHDRAW THEIR INITIATIVE EVEN THOUGH CONSENSUS APPEARS NOT CERTAIN.

4. THE INDIAN MISSION IS SCHEDULED TO CONSULT WITH ITS LIMITED OFFICIAL USE

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DELEGATION ON OCTOBER 1ST ABOUT THE INDIAN INITIATIVE, AND HOPES TO CIRCULATE A TEST DRAFT OCTOBER 3RD OR 4TH. USUN HAS BEEN ENCOURAGING THIS INITIATIVE, AS PER TELCONS WITH DEPARTMENT.

5. IN CONVERSATION WITH MISOFF, VAN BOVEN (DIRECTOR OF THE HUMAN RIGHTS DIVISION OF THE UN, DUTCH), OFFERED TWO CRITICISMS OF THE DUTCH PROPOSAL (PREVIOUSLY POUCHED TO DEPARTMENT SEPTEMBER 20TH). 1) NOT NECESSARY OR HELPFUL TO RECALL THE THREE RESOLUTIONS MENTIONED IN THE PREAMBULAR PARAGRAPHS, AND 2) SECOND OPERATIVE PARAGRAPH IS "TOO AMBITIOUS." HE SAYS THAT DUTCH WILL KEEP THAT PARAGRAPH AS A BARGAINING POSITION. IN CASE THE INDIAN PROPOSAL IS NOT FORTHCOMING, OR IS INADEQUATE, USUN WOULD APPRECIATE GUIDANCE FROM DEPARTMENT ON HOW TO SUGGEST US AND DUTCH RESOLUTIONS BE MELED. USUN HAD TEMPORARILY SUSPENDED LOBBYING FOR OUR TORTURE INITIATIVE AWAITING A LOOK AT THE INDIAN PROPOSAL, AND INSTRUCTIONS ON HOW TO COORDINATE WITH THE DUTCH.

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